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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ALFRED BLALOCK BAHNSON, ET AL.

Serial No. 10/032,661

Filed: October 26, 2001

Art Unit: 1743

Patent Examiner:

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) METHOD AND APPARATUS
) FOR MONITORING OF PROTEINS
) AND CELLS
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Pittsburgh, Pennsylvania 15213

June 14, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**PETITION UNDER 37 C.F.R. §1.48 TO REMOVE
AN INCORRECTLY IDENTIFIED INVENTOR**

Petitioner petitions the Commissioner to remove Aleksandr I. Lisovich as an inventor of the above-identified patent application. Enclosed with this Petition is a Declaration by Aleksandr I. Lisovich that he has reviewed the above-identified patent application and the claims, and has determined that he is not an inventor of the above-identified patent application. Aleksandr I. Lisovich has disclaimed any claim of inventorship with the above-identified patent application. See Exhibit A.

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In addition, there is a Declaration by the president of assignee, who is also a co-inventor of the above-identified patent application, consenting to the removal of Aleksandr I. Lisovich as an inventor of the above-identified patent application. See Exhibit B.

Furthermore, the Declaration by the president, Raymond K. Houck, explains the circumstances that led to the inclusion initially of Aleksandr I. Lisovich as an inventor. The Declaration states that Aleksandr I. Lisovich had been an employee of assignee, but was no longer employed by assignee at the time the above-identified patent application was filed.

Aleksandr I. Lisovich was not able to be reached by assignee to discuss with Aleksandr I. Lisovich whether Aleksandr I. Lisovich was or was not a co-inventor of the above-identified patent application before the above-identified patent application was filed with the United States Patent and Trademark Office. Since he was an employee who worked on the underlying apparatus found in the claims of the above-identified patent application, Raymond K. Houck felt that Aleksandr I. Lisovich may be a co-inventor, along with the other six inventors of the above-identified patent application, and consequently identified Aleksandr I. Lisovich as a co-inventor to play it safe and give the benefit of any doubt toward Aleksandr I. Lisovich being an inventor. Raymond K. Houck did this without any deceptive intention. In fact, Aleksandr I. Lisovich, as part of his employment, had executed an employment agreement which requires him to assign any of his rights in any inventions that he was an inventor in while employed by assignee, to assignee, as found in Section 3.1 of his employment agreement. A copy of Aleksandr I. Lisovich's employment agreement is attached as Exhibit C.

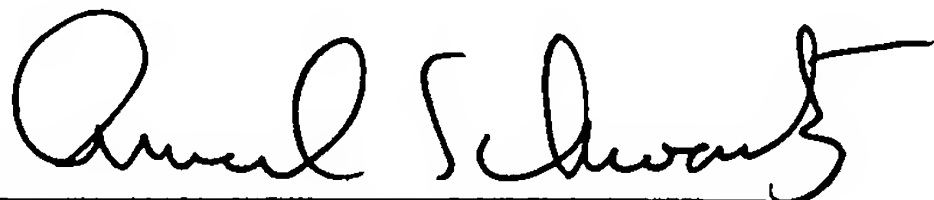
Aleksandr I. Lisovich is unable to state that his identification as an inventor is without deceptive intent, because he was not part of the decision to identify him initially as an inventor of the above-identified patent application, nor was he aware of the filing of the above-identified patent application, having not been contacted about its filing, or being provided a copy of the above-identified patent application before the application was filed.

Accordingly, Petitioner petitions the Commissioner to grant this Petition and remove Aleksandr I. Lisovich as an inventor of the above-identified patent application.

Enclosed is a check in the amount of \$130.00 payable to Commissioner of Patents and Trademarks for this Petition. Any additional fees may be charged to Deposit Account No. 19-0737. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

ALFRED BLALOCK BAHNSON, ET AL.

By 

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